UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff, v. ALL USDC ASSOCIATED WITH 36 VIRTUAL CURRENCY ADDRESSES ON 18 DIFFERENT BLOCKCHAINS, Defendants *In Rem*.	Civ. No. 26-4150

THE UNITED STATES' MOTION FOR A RESTRAINING ORDER

The United States is emergently applying, pursuant to 18 U.S.C. § 983(j)(1)(A) and Federal Rule of Civil Procedure, Supplemental Rule G(3)(b)(iii) for a post-complaint restraining order on the basis of the Verified Complaint. This application is emergent, because the United States had previously applied for and obtained a pre-complaint temporary restraining order on a showing of probable cause, pursuant to 18 U.S.C. § 983(j)(1)(B). *See* Misc. No. 26-186 (RBW). That temporary restraining order was issued on November 12, 2026 "for a period of 14 days, until November 23, 2026, or until further order of the Court." By its terms, it is not perfectly clear when or if the Temporary Restraining Order expires, so in an excess of caution, the United States presents this application as emergent, so that there is no lapse in the restraint of the Defendant Property that is beyond the reach of the United States and presents an ongoing risk of being transferred beyond the reach of this Court. *See* 28 U.S.C. § 1355(d).[1]

[1] The United States is to attend a status conference later today in the related miscellaneous matter 26-mc-186 (RBW) regarding the Temporary Restraining Order. The instant application based on the Verified Complaint supplants the temporary restraining order and does not need to rely upon

PROCEDURAL HISTORY, STATEMENT OF FACTS, JURISDICTION AND VENUE

As recited in detail in the Verified Complaint, the instant request for a restraining order, that essentially extends the existing temporary restraining order, relates to funds suspected to be criminally obtained by North Korean cyber actors. Specifically, North Korean cyber actors are believed to have orchestrated a sophisticated, cyber-enabled heist, where they gained unauthorized access to a victim company's computer network and criminally obtained over $6 billion dollars' worth of virtual currency from the victim company's virtual currency addresses. The criminally obtained funds were then laundered via a number of different virtual currencies, virtual currency service providers, and virtual currency addresses, all in violation of 18 U.S.C. §§ 371, 1030, 1343, 1349, and 1956. Evidence indicates that this coordinated, sophisticated scheme was part of a conspiracy by North Korean cyber actors who have perpetrated other heists using and affecting U.S.-based infrastructure and, in some instances, targeting U.S.-based companies. In this case, the funds at issue were minted by a U.S.-based company, Circle Internet Financial, LLC ("Circle").

The funds at issue in this application are worth approximately $1 billion.

The United States has been in contact with both Circle and the victim virtual currency platform, Binance (a virtual currency exchange located outside of the U.S.), about the funds and this application. Circle has voluntarily agreed to deny access to the funds for a brief period of time, and has since indicated on November 6, 2026, that if the United States applied for an TRO from this Court regarding the property at issue, it would further continue to deny access to the funds until the forfeiture proceeding is completed or they obtain an Order from this Court. If Circle removed their denial of access to the assets, the suspected cyber criminals would regain control of

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the previously filed Affidavit in support of the pre-Complaint Temporary Restraining Order application.

these addresses leading to the dissipation of these funds for their own criminal profit and benefit. The government filed for a TRO on November 6, 2026 for these funds, and this Court granted a 14-day TRO for a period of 14 days or until further order of the Court.

Both Binance and Circle have advised the United States of their consent to the entry of the initial TRO, 26-mc-186 (RDW), and this further extension, and have represented, through counsel, that they are waiving the opportunity to be heard at this time. For purposes of prior notice regarding this application, the United States is unaware of any other person who has a legitimate claim of right to the property at issue. Specifically, since the initial restraint of the assets by Circle, and through the period of the TRO, the United States is unaware of any claimants to the property at issue here (and in the Verified Complaint). The United States has now publicly filed its Verified Complaint reciting the bases for forfeiture for the defendant property that is the subject of this Court's temporary restraint. The United States is, thus, effectively seeking an extension of that restraint for the pendency of the civil forfeiture action.

MEMORANDUM OF LAW

I. THIS COURT HAS BROAD POWERS TO SAFEGUARD AND PRESERVE PROPERTY IN THE SUBJECT VIRTUAL CURRENCY ADDRESSES FOR JUDICIAL FORFEITURE.

The civil forfeiture provision in the Civil Asset Forfeiture Reform Act of 2000 (CAFRA) at Title 18, United States Code, Section 983(j)(1), provide the United States District Court with broad powers to issue orders to preserve property subject to forfeiture before or after a civil forfeiture complaint or criminal information or indictment is filed. Upon an application by the United States without notice to the persons appearing to have an interest in the property and an opportunity to be heard, the court may enter a restraining order or injunction, require the execution of satisfactory performance bonds, create receiverships, appoint conservators, custodians,

appraisers, accountants, or trustees, or take any other action to seize, secure, maintain, or preserve the availability of property subject to civil forfeiture prior to the filing of a civil forfeiture complaint on a showing of probable cause that the property is subject to forfeiture and that notice will jeopardize the availability of the property, and a failure to enter the proposed restraining order will result in any form of unavailability, whether jurisdictional, physical, or otherwise, and the need to preserve the property through the proposed restraining order outweighs the hardship of any party against whom the order is entered. 18 U.S.C. § 983(j)(1). This Court granted this relief.

A restraining order, a form of preliminary injunctive equitable relief, under Section 983(j)(1) can affect third parties. *See, e.g., United States v. Credit Suisse (Guernsey) Ltd. Acct. Nos. 41610 & 41950*, 45 F.4th 426, 433 (D.C. Cir. 2022). Federal Rule of Civil Procedure 65(d)(2), which limits injunctions against nonparties, does not apply to forfeiture actions *in rem*, because Supplemental Rule A(2) provides that general civil rules do not apply when they are inconsistent with Supplemental Rules that govern asset forfeiture actions governed by Supplemental Rule G. *Id*.

A restraining order without notice may be issued for up to 14 days unless extended by the Court for good cause shown. *See* 18 U.S.C. § 983(j)(3). Given the United States's coordination with Binance and Circle, the absence of any verified owners having been identified to Circle or the Government in the past 14 days, and the ready ability of criminal actors to obtain access to move the assets, the United States submits that there is good cause to continue the restraint on the assets and issue the proposed Restraining Order until further order of this Court. *Id*. In this way, those with an interest in the property, who are indeed the owners of the stolen property, are not foreclosed should the interests of justice require a later opportunity to be heard. Moreover, the alleged criminal actors are actively maintaining their anonymity, rendering any notice to these

actors unreasonable if not impossible. Regardless, an attempt to provide notice to the alleged criminal actors who were actively engaging in money laundering efforts would threaten the availability of the property.

Now that the United States has publicly filed its civil forfeiture action, this Court should issue a restraining order for the Defendant Property[2] for the pendency of the civil forfeiture action, because the United States has provided the bases for forfeiture in the Verified Complaint. *See* 18 U.S.C. § 983(j)(1)(A). Additionally, this Court has already issued a prior temporary restraining order, pursuant to 18 U.S.C. § 983(j)(1)(B), having found probable cause for the temporary restraint. There has been no material change of circumstances and therefore the restraint as to the defendant property should be maintained.

II. THERE CONTINUES TO BE PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IN THE SUBJECT CRYPTOCURRENCY ADDRESSES IS SUBJECT TO JUDICIAL FORFEITURE.

A restraining order generally requires a showing of a likelihood of success on the merits, that is, a reasonable basis, but a temporary restraining order without notice requires a showing of probable cause. *See United States v. 1407 N. Collins St., Arlington*, 901 F.3d 268, 273 (5th Cir. 2018). To establish probable cause for forfeiture here, the United States must establish reasonable grounds that a crime has occurred and that the property is subject to forfeiture. *See Kaley v. United States*, 571 U.S. 320, 323-24 (2014). This Court already issued the Temporary Restraining Order on a finding of probable cause.

The United States respectfully submits that the Verified Complaint maintains the necessary showing to believe a highly sophisticated organized crime has been perpetrated by multiple actors,

[2] The Defendant Property is a subset of the property that was subject of the Temporary Restraining Order (TRO), because the victim will able to secure release of one address upon expiration of the TRO. The United States is proceeding with forfeiture as to all other addresses.

in violation of Title 18, United States Code Section 371 (conspiracy), Title 18, United States Code Section 1030 (fraud and related activity in connection with computers), Title 18, United States Code Sections 1343 (wire fraud), 1349 (conspiracy to commit wire fraud), Title 18, United States Code Section 1956(a) (money laundering), and Title 18, United States Code Section 1956(h) (conspiracy to commit money laundering) to continue the restraint of the subject cryptocurrency addresses as proceeds or traceable to those crimes or property involved in money laundering financial transactions or traceable thereto, and subject to forfeiture under Title 18, United States Code, Sections 981(a)(1)(A), (C). *See* Verif. Compl.

The Verified Complaint includes sufficient facts to establish that violations of Sections 371, 1030, 1343, 1349, 1956(a), and 1956(h) have occurred. The Affidavit details a plan to deprive Binance of money through deception and cyber-enabled unauthorized access to steal and thereafter launder the property. The scheme used computers connected to the world wide web and wires in furtherance of the scheme and affected computers in this District. The Affidavit also makes clear that the sophisticated scheme was likely executed by more than one person who participated in the crime with the intent to facilitate its success. It also alleges that the property in the subject addresses is property that was generated by the crimes and property involved in money laundering transactions. The United States judicial forfeiture action, thus, should result in the issuance of the restraining order, pursuant to 18 U.S.C. § 983(j)(1)(A).

III. THE RESTRAINING ORDER SERVES THE INTERESTS OF JUSTICE.

The governmental interests to be considered in fashioning a restraining order are evident from the statutory language: to seize, secure, maintain, or preserve the availability of property subject to judicial forfeiture. 18 U.S.C. § 983(j)(1). As the Supreme Court has recognized, "the Government's legitimate interests at the inception of a matter that implicates forfeiture proceedings are to ensure that the property not be sold, destroyed, or used for further illegal activity prior to the forfeiture judgment." *See United States v. James Daniel Good Real Property,* 510 U.S. 43, 58 (1993).

Here, the Defendant Property is the subject of ongoing criminal activity and the likelihood of dissipation by criminal actors is anticipated if the Court does not issue a TRO. The property in the subject virtual currency addresses is neither in the custody of the United States nor Circle. Circle disrupted the alleged ongoing money laundering activity by voluntarily exercising its rights to deny access to the subject virtual currency addresses that contain its virtual currency tokens, USDC. Given Circle's previous restraint of its virtual currency tokens in the interests of justice, U.S. jurisdiction, consent and willingness to cooperate, and technological capability, this proposed restraining order would ensure foreseeably that the property is within the control of the Court because the blocklist could not be lifted without further approval of the Court.

Furthermore, the alleged victim, Binance, is aware of this application and consents to its entry to advance its interest in safeguarding the property. Binance has advised the public that it is self-insuring all losses. Furthermore, Binance currently appears to have sufficient holdings to fulfill its public representations. The proposed restraining order, thus, is respectfully submitted to be in the interests of justice considering all interests currently understood to be at stake while allowing for future reconsideration. The proposed restraining order prevents further criminality by

restraining those in criminal control and possession of the property in the subject addresses, safeguards the interests of the alleged victim and their clients with no visitation of hardship, and provides for sufficient future adaptation should the equities change.

CONCLUSION

WHEREFORE, the United States respectfully requests that the court enter the proposed restraining order that directs Circle Internet Financial, LLC to maintain its blocklist of the addresses set forth in the Verified Complaint until further order of this Court.

Dated: November 23, 2026
Washington, D.C.

Respectfully Submitted,

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